

THE ARIZONA REPUBLICAN

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Five-room frame; bath, good barn; east front; close in; \$1,750.
E. E. PASCOE,
110 North Center Street.

TWENTY-FIRST YEAR.

14 PAGES.

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'PROPOSITIONS' ARE POURING IN, IN A FLOOD

It Is Proposed to Limit the Restraining Power of Courts With Respect to Associations

CRIMPING OF CORPORATIONS IS PROCEEDING MERRILY

A Proposal to Protect Initiated Laws Against Fatal Criticism by the Supreme Court of New State

The Convention Being Overrun by Educational Qualification Measures Very Much Alike—A Scheme of Taxation Which Menaces Incomes and Inheritance—The Convention Finds Itself Involved in a Printing Tangle. The Probability of Maricopa County Division Measure.

There are now sixty-four propositions for inclusion in the constitution of the state of Arizona, an even score having been presented yesterday, embracing a wide variety of subjects. The convention began the morning with the forty-fifth proposition, and when the forty-seventh was reached it occurred to the reporter that he had once before heard of a forty-seventh proposition, that of Euclid, familiarly known as "Pons Asinorum," which, for the information of those who do not know Latin or geometry, means "Bridge of Asses." However, that is neither here nor there. No reflection is cast upon the forty-seventh proposition of the convention. Only the numerical coincidence was striking.

The forty-seventh is neither a harmful nor a new proposition. It merely provides that an employee cannot enter into a contract with a corporation without the latter is released from liability for damages in the case of the death or injury of the former.

Now, if the forty-fifth proposition had been the forty-seventh there would have been something more than a numerical coincidence with the other forty-seventh. It provides that no initiated law can be declared unconstitutional. Two educational qualifications for voters measures were offered, one by Mr. Bradner and the other by Mr. Ellinwood, differing only in that the former provides that it shall not apply to persons who are already voters or to voters who have attained the age of 40 years without having learned to read the constitution of the United States. The Ellinwood measure is not different essentially from the provision in the proposition submitted by Mr. Orme the day before relating to general elections.

In the interest of labor, Mr. Parsons, who had introduced the forty-seventh, brought in two more, both in the interest of workmen. One provides that only American citizens, or those who have declared their intention of becoming American citizens, shall be employed on county, city or municipal public works. The other prohibits the introduction into the territory of an armed force or a detective agency, unless at the request of the legislature, if in session, and if not, at the request of the governor. Still another by Mr. Parsons provides that the legislature shall not limit the amount for which an employer may be sued for the death or injury of an employee.

Guarding Bank Funds. Judge Baker presented a proposition designed to conserve the funds of banks. Bank officials and employees may not borrow from the institutions with which they are connected, nor may they lend the funds of the banks to concerns in which they may be interested. Mr. Sims of Cochise offered a proposition authorizing towns of a population of 3,500 or more to make their own charters, which shall be presented to the governor for approval. This proposition is known in California as the "freelancers' law." It is in opposition to a proposition introduced the day before by Mr. Webb requiring all charters to be granted by the legislature in general laws whereby cities are divided into classes.

Mr. Colter offered a proposition providing for the amendment of the constitution. Under it amendments may be submitted to the people by the vote of three-fifths of the members of each house of the legislature; or, an amendment may be initiated on a petition signed by 15 per cent of the voters. Special elections for amending the constitution may be ordered by a two-thirds vote of the legislature, but no constitutional convention shall be called unless demanded by the people. But the question of holding such a convention shall be submitted every twenty years.

Mr. Ellinwood offered two propositions, one relative to the powers of the legislature and the other prohib-

iting the legislature from levying tax for road purposes.

Clipping the Courts' Claws. Mr. Cunniff of Yavapai proposed the limiting of the power of courts in injunctions. Under his proposition the members of no association or order shall be prohibited by court order from doing those things they may do under the constitution of the United States. If the court should enforce such an order he shall be deemed guilty of malfeasance and subject to impeachment.

Mr. Bolan offered a proposition providing for the appointment of a mining inspector for a term of two years. A qualification shall be an experience in mining of five years. His duties are to be fixed by the legislature. Mr. Jones of Yavapai submitted a proposition relating to the qualifications of sheriffs' officers, who must be qualified voters and residents of the districts served by them.

A proposition offered by Mr. Webb prohibits discrimination among the different schools of medicine. A measure by Mr. Keegan would fix the salaries of county and state officers, all fees to be turned into the treasury except civil fees collected by the sheriff.

On the subject of fees and salaries, Mr. Coker would have those of notaries, justices of the peace and constables remain as they are until the legislature can get action, and then the fee system, so far as possible in the cases of all offices, should be abolished.

Corporation Commission. Mr. Coker also took a whirl at the corporations. One proposition provides for the appointment of a commission of three members to have general supervision over all corporations, business, and shall have charge over all public service corporations, including railroad, telegraph lines, telephones, water and light companies, etc., to the extent of making rules, and ordering rules and forms of contracts. The commission shall have full power to inspect books and papers and to enforce the attendance of witnesses at hearings. It is further stated that the legislature may enlarge these already plenary powers.

In a proposition of some length, Mr. Coker outlined a system of taxation providing, however, that no part of the revenues should be allowed to sectarian schools. The proposition would create a state board of equalization. Provision is made for the exemption of property of churches and heads of families to a certain extent in certain cases. There shall be one annual taxation. Taxation on incomes and inheritances shall be allowed if the constitution of the United States will permit it.

A Most Surprising Thing. The Cassidy resolution of the day before providing that no propositions might be submitted except by standing committees, was called up in the morning and to the great surprise of everybody except the members, many of them, it went through without opposition and almost without comment.

The question of employing a stenographer to keep a verbatim report of all speeches and all other proceedings was revived in the morning and came near going through. It was due to a suggestion of a proposition was offered in the employment of Miss Ellis, an expert stenographer and one of the most useful attaches of the last legislature, to do the best she could in the direction of making a phonographic report of the proceedings. She has the hardest job of anybody about the capitol building except the governor.

The convention also won the affection of the newspaper men by the rescinding of a rule excluding them, with everybody else, from the floor of the convention at all times. This rule was adopted as a precaution against lobbyists.

What this day will bring forth was not announced, but may be presumed that the tide of propositions has not yet reached its crest. It was

stated yesterday morning that in the afternoon the proposition by a member of the Yuma delegation looking to the division of Maricopa county would be presented in the afternoon but it was not forthcoming.

There is a good deal of conjecture as to the fate of the state wide prohibition and woman suffrage propositions which have been put forward for separate submission. Those who have quietly canvassed the members of the convention are of the belief that neither of them will be submitted. The delegates from this county are committed to both measures but the majority of the outside members are said to be overwhelmingly against them.

A WARM HALF HOUR IN THE CONVENTION

A MISUNDERSTANDING ABOUT THE PRINTING

Led to a Defiance of Representative of the Federal Government.

The most spirited incident in the course of the constitutional convention occurred yesterday afternoon when Judge Baker elicited the first applause of the session by a defiance of the federal government in the person of Secretary Young. An attempt was made to settle the printing muddle into which the convention had involved itself in the belief that it had a right to do what it pleased with the \$100,000 appropriation which the enabling act provided for the territory to try to get into statehood.

A misunderstanding had arisen as to the attitude of the secretary. It had been reported that the secretary was trying to limit the convention as to the number of bills that should be printed. A special committee, consisting of Messrs. Ellinwood, Baker and Kingman, was appointed in the morning session to investigate the legal rights of the convention. The resolution of appointment was amended by directing the committee to confer with the secretary.

Judge Baker submitted a report on the legal phase of the controversy, when, in fact, there was no controversy as to the right of the convention to have all the printing it might want done. After Judge Baker had given the opinion of the committee, the question of the conference with the secretary was brought up and the judge said that he had understood nothing about a conference report and could not conceive that one was necessary; he did not see what the secretary had to do with such functions of the convention as it had been invested with by the enabling act.

Several gentlemen addressed the convention, indicating a misunderstanding, when F. A. Jones of the printing committee arose and said that the convention was confronted by a condition and not a theory as to its rights. He said that Mr. Young told him that he would not pay the bills for the printing of 500 copies of any bill, the number required by the rules.

This statement produced a stir and brought Judge Baker to his feet again, when, in the opinion of the convention, he defied the secretary. Thereupon with a whoop a resolution was adopted ordering the printing of 500 bills, unless, in the wisdom of the convention, it should appear that a less number was needed.

After the adjournment Secretary Young was seen and expressed surprise at the statement of Mr. Jones, which had precipitated the trouble. He said he had not thought to limit the convention in any of its expenditures. It was his purpose that these expenditures should be properly made and vouched for as the rules of the department require.

He said that the day before he had had a conversation in his office with Messrs. Jones, Short and Cooper of the printing committee of the convention. In the course of the conference, which was informal, he had asked Mr. Jones how many bills he thought ought to be printed. Mr. Jones replied that he thought 150 ought to be enough in the case of the more important measures; 250 would have been an ample number. One of the members of the committee thought 150 would be enough. The only observation of Mr. Young was that he would approve bills for 250 copies. There was no suggestion nor intimation that he would not approve bills for more than that number which had been named by Mr. Jones as the maximum. This printing business from the beginning has been handled by the convention in an awkward manner, because the convention confounded the disposition of a territorial fund with that of a federal fund. The office of the secretary, which is required to know how every dollar has been spent and transmit that knowledge to the auditor of the department, had no official knowledge that any printing was being done. It was afterward learned that, though bills had been invited by the committee, none had been accepted, yet bill after bill was being printed until now sixteen have come from the printer, to say nothing of several copies of the voluminous rules and other documents.

On Monday the secretary wired to the department for more definite in-

formation regarding the printing and on the following day received a reply from Secretary Ballinger stating that money for this purpose, as for all other purposes, must be expended under the strict supervision of the secretary. All printing must be done under a contract awarded on competitive bids. These bids might be invited by either the secretary or the proper committee of the convention, but in the latter case the contract would be of no effect until after it had been approved by the secretary. After all of this, none of which has yet been done, the secretary could legally allow all bills for printing.

DIRECT LEGISLATION.
The Subcommittee Hopelessly Divided on That Subject.

Santa Fe, N. M., Oct. 19.—Because the subcommittee on legislative departments is hopelessly divided on the question of the initiative and referendum, the subcommittee report to the constitutional convention will not refer to it except to ask that it be considered by the convention as a whole. The committee on education has decided against any article regarding the maintenance of separate schools for white and colored children. The subcommittee on legislative departments has decided that the legislative power shall be vested in a senate and house of representatives, the former to consist of 24 members and the latter of 49. The pay of senators shall be \$5 per diem and of representatives \$4 per diem.

'PIGS IS PIGS' IN SUPREME COURT

IN CONTEST OVER THE CARMACK AMENDMENT.

The Story Cited to Show the Need of Legislation for the Shipper.

Washington, Oct. 19.—"Pigs is pigs," a humorous story published a few years ago, was referred to today in the supreme court of the United States by the government as an "authority" for its argument in defense of the constitutionality of the so-called Carmack amendment to the Hepburn rate law.

The amendment makes the initial carrier of interstate commerce liable for damages to or loss of freight during transportation, not only on its own line, but upon the lines of connecting carriers. It also prohibits contracts releasing carriers from this liability.

The story of the delay in the transportation of guinea pigs until at last the attention of the officials of the road was required to care for the descendants of the original consignment, was cited to illustrate the public need of legislation making it easier for a shipper to recover for loss of property or damages inflicted upon it. The argument for the government was made by William S. Kenyon, assistant attorney general.

"While it is practically impossible for a shipper to locate place loss," said Kenyon, "it is within the carrier's knowledge and easy for him to do so."

Justice White suggested that this limitation might be a reason of public policy to sustain the law.

FORGOT FOR A MOMENT AN AVIATOR'S LONG FALL

Moissant at a Height of 125 Feet Took His Feet Off the Rudder.

New York, Oct. 19.—The heedlessness of a moment came near causing the death today of John Moissant, the aviator, while trying a new Blériot monoplane at Belmont park. He fell 125 feet, wrecked the machine beyond repair, but picked himself up out of the dust unhurt and was just about ready to fly a mile to his anxious wife in another monoplane when she rushed to the field in an automobile.

"Are you hurt?" she stammered. "Why, no; nobody ever got hurt flying," answered Moissant. "It was my fault for removing my feet from the rudder."

The monoplane swooped sideways like a wounded bird, dove 125 feet to the ground, struck on the right wing and turned over. Nobody thought Moissant would be taken out alive, but he was uninjured. The left wing broke his fall, and he slid easily from his seat to the ground. Hamilton's freak 110-horsepower biplane, which was on the ground in readiness for a flight was partly wrecked in a crash with H. W. Waldron's monoplane. G. M. Dyott, Waldron's partner, who was driving the monoplane, lost control of the craft and crashed into the stationary biplane, which was surrounded by a crowd of spectators. No one was hurt.

I. C. MAGNATES

WERE BUNCHED

When Were Served With Summons in Suit

A STOCKHOLDERS MEETING

Into Which an Attorney Intruded Himself as Proxy Holder, Accompanied by Deputy Sheriff—Suit Relates to Car Repair Fraud.

Chicago, Ill., Oct. 19.—The stockholders of the Illinois Central railroad company were given a lively hour at the annual meeting today through the efforts of Attorney Maxwell Edgar.

Holders representing 784,856 shares of stock were present. Edgar arrived, armed with the proxies of sixty shares, which enabled him to take part in the meeting. He was accompanied by deputy sheriffs who added to the confusion by serving subpoenas during every full minute in the meeting on the various directors.

The subpoenas were in a suit for \$10,000,000 which Edgar, constituting himself attorney for the road, started in the circuit court today. The defendants in the suit are the directors of the road, whom Edgar seeks to hold responsible for the alleged financial loss through the car repair "graft," general mismanagement and alleged rebating.

While two deputies were making things interesting in the meeting a half dozen others guarded the exits from the Park Row building, Edgar fearing that some of the directors might attempt to evade service. The precaution was superfluous.

Three resolutions were introduced by the militant attorney. All were lost by overwhelming votes. He denounced the present management of the road, and made the charge that its directors are incompetent and its financial statements juggled, its officials dishonest and violating the interstate commerce law.

The first resolution was in support of these charges, and called for an independent investigation of the road by a committee of prominent stockholders. He was voted down, 784,160 shares to 641. The second resolution demanded that all the directors who are not residents of Illinois be ousted from the grounds that the constitution of the state prohibits the present proportion of outsiders on the board. This resolution was voted down without the formality of a roll call.

On the third and last attempt, Edgar proposed a resolution asking that the directors be drawn from the adventure. In particular he does not lay the blame for defeat on the equity of the late Ira G. Harrah, who was vice president before the car repair scandal came to light, on charges of gross neglect, criminal laxity and culpable negligence. This was buried under another avalanche of contrary votes.

The actual business of the meeting was to re-elect as directors for four years J. T. Harahan of Chicago and Cornelius Vanderbilt and Henry DeForest of New York. In the course of the time the election was brought about.

With the exception of DeForest, Robert S. Lovett and Robert Gossett, all the eastern directors were present and served with subpoenas. Governor Dineen, who is a director ex-officio and attended the directors' meeting, did not attend the stockholders' meeting. He is not named in the suit. The directors were dumfounded when Deputies Schultz and Erickson began serving subpoenas.

John Jacob Astor was seated on one side of the room chatting with W. L. Parks, vice president of the road. He looked at the paper quizzically, turned it over and over and read it twice. He whispered with Parks and then accepted service. Cornelius Vanderbilt was in the center of the room when the summons was read to him. He stroked his VanDyke thoughtfully, then hastened to Harahan for advice. By that time another deputy was reading a summons to the president of the road, Alexander Hackstaff, Walter Luttgen and John Auchincloss were served in rapid succession. Ogden Armour and John Shedd of Chicago did not attend the meeting but they will be served later.

It is said that Mr. Edgar has been prominent in various reform movements, particularly in filing suits against corporations for the collection of back taxes, which he claims are still due the state to the extent of many millions. He asked the suit be brought against Charles Peabody and A. G. Hackstaff to recover bonds for \$50,000 and \$100,000, which he alleged belonged to the road. Harahan said he attached no weight to Edgar's suit.

THE SAVING

OF WELLMAN

Strange Thing a Sailor Saw in the Early Morning

WINKING OF MORSE LIGHT

Followed by Wireless Messages From a Ship in the Air—The Aerial Voyager Will Make Another Attempt on the Atlantic.

New York, Oct. 19.—Walter Wellman and his five companions were landed here this afternoon by the steamship Trent. The bruised right arm, which Wellman carried in a sling, was the only physical injury that resulted from their long voyage of approximately 900 miles.

None of the aeronauts expressed regret for the loss of the America. They agreed that it had served its purpose. All stand ready to renew the attempt as soon as Wellman and his engineers find a way to conquer the difficulties that brought their first trip to its thrilling end.

On the Trent, Wellman made this statement: "We thought we could not get along without the equilibrator. Now we find we could not get along with it. Our plans for the future are indefinite until we find something that will do what we thought the equilibrator would do."

The other members of the America's crew said they felt as well as ever, and looked it. They are: Melvin Vaniman, engineer; J. Murry Simmons, navigator; J. K. Irwin, wireless operator, and Albert L. Loud and John Aubert, air sailors; also the gray kitten, whose sides were bulging, it having been overfed by the women passengers.

It was a Morse lamp winking its message through the darkness on Tuesday morning that first attracted the attention of those aboard the Trent to the distressed airship. Stanley Angel, ordinary seaman, saw the signal. The outline of the airship was made against the moonlit sky, and Captain Down was called out of his berth.

"Help, help!" was the message the white electric lamp on the America was signalling the steamer. Then the wireless was called into use and between Louis M. Ginsberg, the operator in the Trent, and Jack K. Irwin, the operator in the lifeboat suspended below the gas chamber of the America, passed a series of messages that will stand in history as the first wireless communication between a ship at sea and a ship in the air.

Chief Engineer Vaniman does not wholly agree with Wellman in the lessons to be drawn from the adventure. In particular he does not lay the blame for defeat on the equity of the late Ira G. Harrah, who was vice president before the car repair scandal came to light, on charges of gross neglect, criminal laxity and culpable negligence. This was buried under another avalanche of contrary votes.

"Without the equilibrator," he said, "it would be impossible to cross the Atlantic. The equilibrator was not a complete success, but it was far from a failure. The trouble was, it was too heavy for the balloon and the power we had. If the other motor had worked, we might have seen another result."

LONG AND SHORT HAUL.

That Section Will Be Insisted Upon By the Commission.

Washington, Oct. 19.—In a formal order issued late today the interstate commerce commission announced its determination to administer strictly section 4, the long and short haul provision of interstate commerce. By the terms of the order there will be no change in the existing status or in the present rights of carriers until February 17, 1911. They may file with the commission such changes in rates as ordinarily would be filed in the course of their business under the present rate basis or adjustments.

THE STRAIN WAS TOO GREAT.

New Orleans, Oct. 19.—A young man giving the name of A. J. Sumnerfield walked into the office of the United States marshal today and announced that he had robbed the Merchants' National Bank of Lehigh, Okla., of which he was cashier, of \$35,000. He declared that he could no longer stand the strain of being a fugitive.

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For Watches, Diamonds and Jewelry, will save you money at
N. FRIEDMAN, Manf. Jeweler & Watch Repairer
33 W. Washington St., Phoenix, Ariz.

MRS. LAVIN

HOLDS OUT

Says She Knows Nothing of the Times Explosion

TERRIBLE THIRD DEGREE

The Woman Continuously Questioned for Twenty-Four Hours—Begging to Be Allowed to Sleep—Other Arrests Expected.

Los Angeles, Oct. 19.—"You may keep me in this coop a hundred years but you cannot get any more out of me, for I have told everything I know." This was all a three-hour administration of the third degree could elicit today from Mrs. Belle Lavin, the lodging house keeper arrested yesterday in San Francisco on a warrant charging murder in connection with the Los Angeles Times disaster. Mrs. Lavin will be arraigned tomorrow, according to an announcement made tonight from the district attorney's office. The woman will then be given an opportunity to retain an attorney if she desires one. Until that time she will be held strictly "incommunicado." So far Mrs. Lavin has not been allowed to see anyone. She is more closely guarded than any prisoner has been in the county jail for years.

Ceaseless questioning of the woman has kept her awake ever since her arrest more than twenty-four hours ago. This was learned tonight when the jail attendants said that before the ordeal of the examination was ended she was begging to be allowed to go to sleep.

The police officials said tonight that the arrest of one or more of the alleged conspirators in this city was expected in a few hours. At the same time it was also stated that another arrest would probably be made in San Francisco before tomorrow night.

CONFIDENCE OF ROGERS.
He Believes That Indictments Will Quickly Follow.

San Francisco, Oct. 19.—With the assurance of evidence, in the possession of detectives tending to connect Mrs. Lavin with the Times explosion, of the most substantial nature and that otherwise the charge placed against her would not be murder, Attorney Earl Rogers, who has been in charge of the local end of the investigation, left tonight for the southern city. Rogers said the evidence was so strong that he would seek to secure the impeachment of a special grand jury on his arrival at Los Angeles, and he had no doubt that indictments would follow.

THE STATE OF WEATHER FOR CHICAGO BASEBALL

The Outlook for Today Is Not Considered Favorable.

Chicago, Oct. 19.—The special night forecast made by the weather bureau in response to requests by hundreds of baseball enthusiasts, is as follows: Thursday, partly cloudy, may be light showers between midnight and noon. Afternoon, temperature will be between 40 and 50 degrees, with high, gusty wind from northwest. Friday, clear and fair but cold.

The rival teams reached Chicago this afternoon on two sections of a special train. With the appearance of the Chicago players, Chicago confidence took a spurt. Manager Mack said tonight that he did not know what pitcher he would use.

A FIND OF DYNAMITE

Intended to Blow Up the Home of a Portland, Ore. Capitalist.

Portland, Ore., Oct. 19.—Six sticks of dynamite and thirty feet of fuse were found in a cherry tree adjoining the magnificent home of Charles Henry, a capitalist and real estate operator. Henry is an ardent advocate of the "open shop."